

IN THE CIRCUIT COURT FOR ANDERSON COUNTY, TENNESSEE
AT CLINTON

ENRIQUE PEREZ and
SONYA PANDURO,

Plaintiffs,

vs.

HOME DEPOT USA, INC.,

Defendant.

NO. C2LA0104
JURY TRIAL DEMANDED

SUMMONS

To the above-named Defendant: Home Depot USA, Inc.

Serve: Corporation Service Company, 2908 Poston Avenue, Nashville, TN 37203-1312

You are hereby summoned and required to serve upon: F. Braxton Terry, Plaintiff's attorney, whose address is P.O. Box 724, Morristown, Tennessee 37815-0724, a true copy of the answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. You will file the original with the Court.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Issued this the 19th day of August, 2022, at _____ o'clock, _____ m.

Rex Lynch, Clerk

Melanie Davis Deputy Clerk

(This summons is issued pursuant to Rule 4 of the Tennessee Rules of Civil Procedure.)

NOTICE

TO THE DEFENDANT(S): Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the Clerk of the Court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

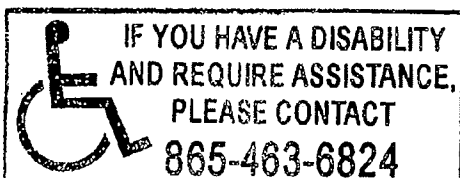
Received this _____ day of _____, 2022.

_____, Deputy Sheriff

RETURN ON SERVICE OF SUMMONS

I hereby certify and return that on the _____ day of _____, 2022, I served this summons together with the complaint as follows: _____ or failed to serve this summons within 30 days after its issuance because _____.

_____, Deputy Sheriff



COPY

IN THE CIRCUIT COURT FOR ANDERSON COUNTY, TENNESSEE
AT CLINTON

2022 AUG 19 PM 12:25
FILED AC CIRCUIT COURT

**ENRIQUE PEREZ and
SONYA PANDURO,**

Plaintiffs,

vs.

HOME DEPOT USA, INC.,

Defendant.

No. **C2LA0104**
Jury Trial Demanded

COMPLAINT

1. The Plaintiffs, **Enrique Perez and Sonya Panduro**, bring this civil action against the Defendant, **Home Depot USA, Inc.**, and file a copy of their Complaint, certified by their attorney as being true and correct for the purpose of accompanying the summons, for damages in an amount no less than Four Hundred Sixty-Five Thousand Dollars (\$465,000).

2. The Plaintiffs, **Enrique Perez and Sonya Panduro**, are citizens and residents of Anderson County, Tennessee, residing at 108 Houston Avenue, Oak Ridge, Tennessee 37830.

3. The Defendant, **Home Depot USA, Inc.**, is a Delaware corporation and can be served through their registered agent: Corporation Service Company, 2908 Poston Avenue, Nashville, Tennessee 37203-1312.

4. On May 15, 2022, the Plaintiff, **Enrique Perez**, was a customer at The Home Depot #0736 located at 175 Laboratory Road in Oak Ridge, Tennessee 37830. The Plaintiff was at the register when two Home Depot employees came in with The

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Home Depot carts stacked two or three on top of each other. Suddenly and without warning, one of the carts fell on the Plaintiff injuring his back.

5. The Plaintiff, **Enrique Perez**, brings this civil action against the Defendant, **Home Depot USA, Inc.**, for personal injuries and damages, medical bills and expenses which he was caused to receive on or about May 15, 2022.

6. The Plaintiff, **Sonya Panduro**, brings this civil action against the Defendant, **Home Depot USA, Inc.**, for loss of consortium which she was caused to receive as a result of her husband's injuries

7. The Plaintiff, **Enrique Perez**, brings this civil action against the Defendant, **Home Depot USA, Inc.**, for injuries which he was caused to receive on or about May 15, 2022. As a result of this accident, **Enrique Perez** has sustained serious and disabling injuries. Said injuries to the Plaintiff have resulted in permanent disability and have impaired his capacity for work, labor, business and the enjoyments and pleasures of life. As a result of these injuries, Plaintiff has incurred and shall continue to incur medical bills as well as pain and suffering.

8. The Defendant, **Home Depot USA, Inc.**, its agents and employees were negligent in the following manner:

a. Allowing dangerous conditions to exist in the area where customers were, which the Defendant, its agents and employees knew or should have known was hazardous and likely to cause and posed a hazard;

b. Negligently failing to ensure that customers were safe in their store;

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- b. Negligently failing to ensure that customers were safe in their store;
- c. Negligently failing to properly train and supervise employees and agents to promulgate and enforce adequate safety policies and procedures;
- d. Negligently failing to secure the carts the employees were moving through the store;
- e. Negligently moving carts to close to customers where they knew or should have known there was a risk of them falling;
- f. Negligently stacking the aforementioned carts.

9. The violation of the aforementioned statutory and common law duties by the Defendant constitutes negligence which was a direct and proximate cause of the accident and the injuries and damages sustained by the Plaintiffs.

WHEREFORE, the Plaintiffs, **Enrique Perez** and **Sonya Panduro**, ask for judgment against the Defendant, **Home Depot USA, Inc.** in a sum of no less than Four Hundred Sixty-Five Thousand Dollars, (\$465,000), and ask for a jury in the trial of this cause.

Respectfully submitted,




F. Braxton Terry, BPR #018248

Of Counsel:

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Email: brack@terry-lawfirm.com

COST BOND

We acknowledge ourselves as sureties in this cause for costs.



F. Braxton Terry

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